

REMARKS

In the Final Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,839,096 to *Lyons et al.* (“*Lyons*”) in view of U.S. Patent Application Publication No. 2004/0148121 to *De Obaldia et al.* (“*De Obaldia*”).

By this Amendment, Applicants propose to amend independent claims 1, 10, 11, and 20 to further clarify the previously claimed subject matter. Support for the proposed changes to claims 1, 10, 11, and 20 may be found in the specification at, for example, page 7, paragraph 0024. Applicants also propose to amend claim 8 to correct a typographical error.

Upon entry of the Amendment, claims 1-20 will remain pending in the above-captioned application.

Applicants respectfully traverse the rejection of claims 1-20 under U.S.C. § 103(a) as unpatentable over *Lyons* in view *De Obaldia*.¹ (Office Action, p. 5.) No *prima facie* case of obviousness has been established.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all the claim elements.

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. (See M.P.E.P. § 2143.)

Proposed claim 1 recites a radio frequency testing method of an electronic device that includes “performing a comparison between the at least one measurement signal and at least one corresponding reference signal which imitates a known defect; and determining a cause of a defect of the electronic device based on the comparison.” (emphasis added) The applied references cannot support a rejection of claim 1 under Section 103 for at least the reason that *Lyons* and *De Obaldia*, taken alone or in any proper combination, do not teach or suggest at least these elements in Applicants’ proposed claims.

Lyons discloses a system diagnostic 11 that guarantees the proper operation of an anticipatory collision sensor system. (Col. 6:27-31.) For example, *Lyons* describes a system test using a modulated carrier signal to ensure the signal has the proper center frequency and bandwidth. (Col. 11:13-20.) This is accomplished by measuring a generated carrier signal and comparing it to a desired center frequency. (Col. 11:34-55.) If the comparison shows that the carrier signal is incorrect, the frequency of the carrier signal is adjusted. (*Id.*)

In comparison, whereas *Lyons* discloses a carrier signal compared to a desired value, claim 1 recites a “reference signal which imitates a known defect” (emphasis

added). With regard to claim 7, the Examiner alleges that *Lyons* discloses a “reference signal representing an electronic device with at least one known defect.” (Office Action p. 4:20-22, citing *Lyons*, cols. 17:53-18:13.) *Lyons* apparently measures noise levels of a moving vehicle and compares these noise levels to a “noise floor” measured at startup, before the vehicle is moving. (Cols. 17:28-18:13, and FIG. 12.) If the measured noise levels are the same as the noise floor value, *Lyons* determines that an antenna must be blocked. (*Id.*) The noise floor however, is merely indicative of the inherent level of noise in the system. (Col. 6:45-51.) Thus, the noise floor represents a threshold value for the system. (Cols. 17:28-18:13, and FIG. 12.) *Lyons* does not, however, disclose or suggest a “reference signal which imitates a known defect” (emphasis added), as recited in claim 1.

Moreover, system diagnostic 11 only determines that the antenna is blocked without analyzing how the collision sensor system itself may have failed. (Cols. 17:28-18:13.) Accordingly, *Lyons* does not disclose or suggest “determining a cause of a defect of the electronic device based on the comparison” (emphasis added), as recited in claim 1.

De Obaldia does not cure the deficiencies of *Lyons*. *De Obaldia* discloses a mechanism for testing a transmitter 22. (¶¶. 0026-0027.) For instance, a frequency reading may be analyzed to confirm whether an actual RF frequency conforms to the correct oscillator frequency being generated. (¶¶. 0030-0031.) Hence, the testing is based on a reference signal representing a desired value. *De Obaldia*, therefore, also fails to disclose or suggest a “reference signal which imitates a known defect”

(emphasis added), as recited in claim 1. In addition, Applicants note that *De Obaldia* is silent with regard to “determining a cause of a defect of the electronic device based on the comparison,” as recited in claim 1.

For at least the reason that *Lyons* and *De Obaldia* fail to disclose or suggest “performing a comparison between the at least one measurement signal and at least one corresponding reference signal which imitates a known defect; and determining a cause of a defect of the electronic device based on the comparison,” the references taken individually or in combination cannot establish a *prima facie* case of obviousness for the rejection of claim 1 under 35 U.S.C. § 103(a). Accordingly, proposed claim 1 is allowable over the applied references, and claims 2-9 are also allowable, at least due to their dependence from claim 1.

Proposed claims 10, 11, and 20 recite elements similar to those of proposed claim 1. For example, each of claims 10, 11, and 20 recite a “reference signal which imitates a known defect.” As discussed above with regard to claim 1, neither *Lyons* nor *De Obaldia* discloses or suggests at least this element. Accordingly, for at least the same reasons discussed above in regard to claim 1, claims 10, 11, and 20 are allowable over the applied references because these references cannot support a *prima facie* case of obviousness for the rejection of claims 10, 11, and 20 under 35 U.S.C. § 103(a). Likewise, claims 12-19 are also allowable, at least due to the dependence of these claims’ from claim 11.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants, therefore, request the Examiner's reconsideration and reexamination of the application, and the timely allowance of claims 1-20.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-20 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 8, 10, 11, and 20 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Steven L. Ashburn
Reg. No. 56,636